

1 organization filing a petition to deny? It seems kind
2 of strange. I mean, your take on what was going on
3 back then?

4 A There was an awful lot of animosity and
5 resentment and hostility at the station. In fact,
6 going back to one of your earlier questions, another
7 thing that Enrique Palacios said would be one of the
8 things I'd be working on at the station would be to
9 heal the station, because the anger and the hostility
10 and the volatility was very palpable. I hate to put
11 it in these terms, but it seemed like a playground
12 without a recess monitor.

13 Things like -- I can remember one of the
14 first examples of what is going on here is we had a
15 fund drive coming up. One of the announcers, the folk
16 program host had secured or somehow had some CDs that
17 she thought were hers. Bill needed them to put away
18 or to set aside as an incentive for when you call in
19 and pledge your dollars, you get the CD. Bill had a
20 plan to use the CDs as an incentive at a particular
21 time of day when they were best needed. She thought
22 that they were her CDs. Bill locked them in a filing
23 cabinet.

24 Here I am in my office, underneath the
25 basketball hoop, with the two of them like little kids

1 this instance, we would be disputing that the
2 privilege still exists. We can get into the
3 declaration at a later point where it is actually made
4 in the declaration that there is reliance on counsel's
5 advice. With that as a defense, that constitutes a
6 waiver of the privilege.

7 MS. REPP: I don't disagree in the context
8 of what's in the declaration that that's a specific
9 waiver, but only to the extent that we're talking
10 about what is in the declaration. The statement in
11 the declaration related to what was discussed before
12 the application was signed.

13 MR. SHOOK: I didn't think that was the
14 nature of the question at this point.

15 MS. REPP: Okay. What was the question?

16 MR. SHOOK: That's very good. That's a very
17 good question. I'll have to try to reconstruct it in
18 my mind.

19 BY MR. SHOOK:

20 Q We were referring to the euphemism "oops."
21 That's probably going to be my starting point here,
22 that when you had that oops moment, you've shared that
23 with us today. Had there been an earlier point in
24 time when you shared that oops moment with anybody
25 else?

1 A No.

2 Q So prior to today, there would have been no
3 one that you would have told, gee, I should have
4 checked the "no" box instead of the "yes" box on this
5 application?

6 A I don't know if I'm supposed to answer. No,
7 I wouldn't have. Can you ask the question again?

8 Q Sure. You know, we've been referring to
9 Question 2, Section 3 of the application, which talks
10 about whether documentation has been placed in the
11 public file at the appropriate time, as required by
12 the rule. You've acknowledged that, on the basis of
13 what you've learned as a consequence of being at CPB,
14 you recognize that the question should have been
15 answered in the negative as opposed to "yes."

16 A Correct, and I made a mistake.

17 Q Right. The question at this point is
18 whether you shared that realization with anybody prior
19 to today.

20 A No.

21 Q Now, after reading the allegations that were
22 leveled against you relative to the public file and
23 the certification made in terms of what was in the
24 public file, did you then go back to the public file
25 to take a look at it to see what was there?

1 A I don't remember.

2 Q Do you remember whether you directed anybody
3 to go back to the public file to give you a report in
4 terms of what was there?

5 A No, I don't remember doing that. I don't
6 remember doing that. I don't think I would have done
7 that, because at the time, I would have been sure that
8 I was right, and so I don't think I would have done
9 something like that.

10 Q Now, in terms of being sure that you were
11 right, had you shared your reasoning with anybody in
12 terms of how it was that you came to the "yes" answer?

13 A I don't remember.

14 (The document referred to was
15 marked for identification as
16 Ramirez Exhibit No. 6.)

17 BY MR. SHOOK:

18 Q I'm going to show you another document that
19 has been a bit of a mystery to us, at least. This is
20 from the petition to deny. It's Exhibit BB. First of
21 all, prior to the time you received the petition to
22 deny, did you have any awareness that Exhibit BB
23 existed?

24 A No.

25 Q So I take it that you are not the author of

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1 A Yeah, I haven't seen this before.

2 Q Were you aware that the Commission staff had
3 sent such a letter to the San Francisco Unified School
4 District?

5 A No.

6 Q Was there a time before you were alerted to
7 the fact that we may have this hearing that the
8 Commission had any concerns about the school
9 district's renewal application certification, vis-a-
10 vis the condition of the KALM public inspection file?

11 A From the day I left the station to July?
12 No.

13 Q Now, in response to the FCC's letter, this
14 is what the school district sent. So what I have here
15 is not just the letter itself, but with all the
16 attachments.

17 A Do I just scan this?

18 Q Right. You can just scan the body of the
19 letter, as opposed to all of the attachments. We can
20 talk about the attachments in a bit, some of them, not
21 all of them. First of all, have you ever seen this
22 letter before, the letter that was sent by the school
23 district to the FCC staff?

24 A No.

25 Q Now, focusing your attention on page 3, page

1 3 is talking about ownership and supplemental reports.
2 If you would, please, just read that to yourself.
3 Read the question and then read the response. Now,
4 first of all, in reading the question and the
5 response, do you know what ownership reports or
6 supplemental ownership reports are being referred to
7 here?

8 A Yeah, I do know now.

9 Q What is it that you know now?

10 A I want to make sure I follow up your first
11 question right. So what I know now is that this in
12 incorrect statement, because it was after we filed the
13 application, the license renewal that we understood --
14 or that I understood -- that there were supplemental
15 reports that needed to be in the file that conveyed a
16 change in the ownership.

17 Q So you remember preparing something about
18 the time the petition to deny came in relative to
19 supplemental ownership reports for certain years?

20 A It was certainly after we filed the renewal
21 application. I don't have a precise bearing on where
22 it fit in with the petition.

23 Q But what you do remember is preparing
24 supplemental ownership reports that to your
25 understanding should have been prepared earlier and

1 placed in the file earlier?

2 A Correct.

3 Q And that would have been for years 1993 and
4 1995?

5 A Yeah. I don't remember the precise years.

6 (The document referred to was
7 marked for identification as
8 Ramirez Exhibit No. 11.)

9 BY MR. SHOOK:

10 Q I've got them somewhere. I think this part
11 of the process has been more confused than most, if
12 you can believe it. What I'm showing to Mr. Ramirez
13 is from the September 7, 2004, filing that SFUSD had
14 made in response to our request for admissions of
15 fact. Specifically, what I'm showing him initially is
16 Attachment 2 to that.

17 If you'll note on the first page, it makes
18 reference to January 31, 1993, in terms of what this
19 report is supposed to be referring to. Then when you
20 turn to the second page, you'll notice that the
21 signature block appears to reflect that the document
22 was signed on 10 December 1997. Is this one of the
23 documents that you recall preparing in draft for
24 signature on or about December 10, 1997?

25 A Yes.

1 Q What was the cause of preparing this
2 document?

3 A The cause was having knowledge that these
4 are supplemental reports, that these supplemental
5 reports should have been filed or placed in the public
6 file with respect to this one in 1993.

7 Q In terms of who signed of on this report,
8 the signature line reflects Waldemar Rojas, but
9 there's also some initials there that appear to
10 follow, which would suggest to me, at least, that
11 somebody other than Mr. Rojas actually signed this
12 document. Do you have any idea of who it is that
13 actually signed this document?

14 A Yeah. To the best of my memory, he had
15 another special assistant. Her name, if I'm recalling
16 this correctly, is Linda Davis. Quite often, when I
17 would work with the superintendent's office or Enrique
18 Palacios would work with the superintendent's office,
19 we were working through Linda Davis.

20 Q First of all, it appears to be the initials
21 LD, and that would suggest that it was Ms. Davis that
22 actually signed this report?

23 A Correct.

24 //

25 //

1 (The document referred to was
2 marked for identification as
3 Ramirez Exhibit No. 12.)

4 BY MR. SHOOK:

5 Q From the same pleading, there's an
6 Attachment 4, and I'd like you to take a look at the
7 Attachment 4. What is Attachment 4?

8 A Attachment 4 looks to be the 1995
9 supplemental ownership report.

10 Q Which was also prepared in December 1997?

11 A Correct.

12 Q And apparently also signed on December 10,
13 1997, by Linda Davis, who affixed Mr. Rojas' name?

14 A Correct.

15 MS. REPP: Excuse me. May we take the break
16 we talked about, off the record for 10, 15 minutes?

17 MR. SHOOK: And then you want to have your
18 opportunity to ask questions? We'll wait and then --

19 MS. REPP: No. Well, can we talk a little
20 bit among ourselves.

21 MR. SHOOK: Sure.

22 (Whereupon, a short recess was taken.)

23 MR. SHOOK: Okay. Why don't we resume
24 again.

25 //

1 BY MR. SHOOK:

2 Q So with respect to page 3, which is what we
3 were looking at, in terms of the question, "On
4 August 1, 1997, when the subject license renewal
5 application was filed, did the KALW-FM public
6 inspection files contain all of the ownership and
7 supplemental reports required to be kept by then
8 Section 7335.27," it's your understanding that the
9 answer to that question should have been no, not yes?

10 A Correct, because later on in December we
11 created the 1993 and 1995 supplemental ownership
12 reports.

13 Q But it's also the case that with respect to
14 this April 2001 letter, no one from SFUSD contacted
15 you about how to respond to this question?

16 A Correct.

17 Q I'd like to move on to page 5 of that
18 letter. Question No. 2 reads, "On August 1, 1997, did
19 the KALW-FM public inspection file contain all of the
20 issues program lists required by then Section
21 7335.27?" If you could, please, just read the
22 response to yourself, and then I'll ask you a question
23 or two about it. The response begins on page 5 and
24 carries over to page 6.

25 Now, in terms of the response to the

1 question, the question asks about whether the issues
2 program lists required were in the public file on
3 August 1, 1997, wouldn't the correct response be no,
4 not yes?

5 A Yes. Correct.

6 Q So in other words, there were lists that
7 should have been there but weren't there in the public
8 file?

9 A Correct.

10 (The document referred to was
11 marked for identification as
12 Ramirez Exhibit No. 13.)

13 BY MR. SHOOK:

14 Q Now, one of the things that concerns us, and
15 you may or may not be able to help us here, is the
16 reference to the NPR lists. If you look down at the
17 bottom of page 5 and at the top of page 6, it talks
18 about when the management reviewed the file, they were
19 able to find nationally-produced NPR issues programs
20 lists. I want to show you what we believe to be the
21 kind of lists that were being referred to. It was
22 printed from a compact disc that we received from the
23 school district during discovery. They had placed on
24 that disc many documents that were in the public file.

25 One such document is entitled, "KALW carried

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ATTACHMENT E

**SFUSD'S OBJECTIONS AND RESPONSES TO THE ENFORCEMENT BUREAU'S
REQUEST FOR ADMISSION OF FACTS AND GENUINENESS OF DOCUMENTS
(SEP. 7, 2004)**

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C.**

In The Matter of)	MB Docket No. 04-191
)	
San Francisco Unified School District)	
)	
For Renewal of License for Station KALW(FM),)	Facility ID No. 58830
San Francisco, California)	File No. BRED-19970801YA

**SAN FRANCISCO UNIFIED SCHOOL DISTRICT'S OBJECTIONS AND RESPONSES
TO ENFORCEMENT BUREAU'S REQUEST FOR ADMISSION OF FACTS AND
GENUINENESS OF DOCUMENTS**

San Francisco Unified School District ("SFUSD"), by its attorneys and pursuant to Section 1.246 of the Commission's Rules, 47 C.F.R. § 1.246, files these objections and responses to the Enforcement Bureau's ("Bureau") Request for Admission of Facts and Genuineness of Documents dated August 19, 2004 ("Requests"). ^{1/} SFUSD incorporates by reference the definitions set out by the Bureau in the Requests.

GENERAL OBJECTIONS

SFUSD objects to the Bureau's Requests as follows (collectively referred to as the "General Objections"):

1. SFUSD objects to the Bureau's Requests to the extent that they call for information protected by the attorney-client privilege or work product doctrine.

^{1/} The post-mark on the Bureau's Requests indicates that they were served by mail on August 24, 2004. Accordingly, SFUSD's objections and responses are timely filed. See 47 C.F.R. § 1.246 (responses to request for admissions due not less than 10 days after service).

2. SFUSD objects to the Bureau's Requests to the extent that they seek information that is irrelevant to this action, or information not reasonably calculated to lead to the discovery of admissible evidence.
3. SFUSD objects to the Bureau's Requests to the extent that they are intended to elicit information compiled in anticipation of litigation by or on behalf of SFUSD or its attorneys.
4. SFUSD objects to the Bureau's Requests to the extent that they are vague, ambiguous, unnecessarily burdensome, or oppressive, or call for information that is solely outside of SFUSD's possession.
5. SFUSD objects to the Bureau's Requests to the extent that they seek to impose on SFUSD obligations greater than those provided for by 47 C.F.R. § 1.246.

Except as otherwise expressly admitted below, SFUSD denies the Bureau's Requests.

SPECIFIC OBJECTIONS AND ANSWERS
TO THE BUREAU'S REQUEST FOR ADMISSIONS

Subject to and without waiving the foregoing General Objections, SFUSD responds to the Bureau's Requests as follows:

1. Attachment A is a true and accurate copy of the application filed at the FCC on behalf of SFUSD for renewal of license for KALW (File No. BRED-19970801YA).

ANSWER: SFUSD admits that Attachment A to the Requests is a true and accurate copy of the application filed at the FCC on behalf of SFUSD for renewal of license for KALW (File No. BRED-19970801YA).

2. Mr. Ramirez oversaw preparation of the original of Attachment A.

ANSWER: SFUSD objects to this Request to the extent that the word "oversaw" as used in the

Request is vague and ambiguous. Subject to and without waiving the foregoing objections or the General Objections, SFUSD admits this Request.

3. At the time that he oversaw preparation of the original of Attachment A, Mr. Ramirez was general manager of KALW.

ANSWER: SFUSD objects to this Request to the extent that the word "oversaw" as used in the Request is vague and ambiguous. Subject to and without waiving the foregoing objections or the General Objections, SFUSD admits this Request.

4. Mr. Ramirez intended that SFUSD should respond "yes" to question 2 of page 3 of Attachment A, which asks: "Has the applicant placed in its public inspection file at the appropriate times the documentation required by 47 C.F.R. Section 73.3526 and 73.3527?".

ANSWER: SFUSD objects to this Request to the extent that the word "intended" as used in the Request is vague and ambiguous. Subject to and without waiving the foregoing objections or the General Objections, SFUSD admits that Mr. Ramirez responded "yes" to question 2 of page 3 of Attachment A to the Requests.

5. Prior to sending Attachment A to a representative of SFUSD for signature, Mr. Ramirez conferred with Mr. Sanchez about what was required to be in the KALW public inspection file.

ANSWER: SFUSD objects to this Request to the extent that it seeks privileged information and/or attorney work product. Subject to and without waiving the foregoing objections or the General Objections, SFUSD admits that Mr. Ramirez conferred with communications counsel about the required contents of the KALW public inspection file before sending the station's

license renewal application to a representative of SFUSD for signature.

6. In overseeing the preparation of the original of Attachment A, Mr. Ramirez was acting within the authority delegated to him by SFUSD.

ANSWER: SFUSD objects to this Request to the extent that the word "overseeing" and the phrase "acting within the authority delegated to him by SFUSD" as used in the Request are vague and ambiguous. SFUSD further objects to the extent that the Request calls for a legal conclusion rather than an admission of fact. Subject to and without waiving the foregoing objections or the General Objections, SFUSD admits that Mr. Ramirez was authorized to prepare KALW's license renewal application in 1997, and that Attachment A is a true and accurate copy of that application.

7. In August 1996, Mr. Ramirez was provided information about the KALW public inspection file by the late Dave Evans, then chief engineer of KALW.

ANSWER: SFUSD objects to this Request to the extent that the phrase "provided information" as used in the Request is vague and ambiguous. Subject to and without waiving the foregoing objections or the General Objections, SFUSD admits that Mr. Ramirez had a conversation with Mr. Evans during August 1996 concerning, at least in part, the KALW's public inspection file. SFUSD further responds that, according to Mr. Ramirez's recollection, that conversation took place during Mr. Ramirez's first few weeks as General Manager, and Mr. Evans refused to be specific as to how the public file might have been deficient. SFUSD also states that after the conversation with Mr. Evans, Mr. Ramirez endeavored, on an ongoing basis, to determine what was in the KALW public inspection file and what needed to be added to that file in order to

ensure that it was complete.

8. Attachment B is a true and accurate copy of a document titled "LICENSE RENEWALS MATERIALS - - IN FILES AT PRESENT," which was prepared by Ms. Hecht in June 1997.

ANSWER: SFUSD admits that Attachment B to the Requests is a true and accurate copy of a document titled "LICENSE RENEWALS MATERIALS - - IN FILES AT PRESENT," and that Ms. Hecht prepared this document in June 1997.

9. Ms. Hecht gave the original or a copy of Attachment B to Mr. Ramirez in June 1997.

ANSWER: SFUSD admits that Ms. Hecht provided the original or a copy of Attachment B to the Requests to Mr. Ramirez in June 1997.

10. Mr. Ramirez read the original or a copy of Attachment B prior to the completion of the original of Attachment A.

ANSWER: SFUSD admits that Mr. Ramirez read the original or a copy of Attachment B to the Requests prior to the completion of the original of Attachment A to the Requests. SFUSD further states that Mr. Ramirez believed that this document prepared by Ms. Hecht was inaccurate and that Ms. Hecht might have misunderstood her assigned task in reviewing the file.

11. After reading the original or a copy of Attachment B, Mr. Ramirez made no further use of it.

ANSWER: SFUSD objects to this Request to the extent that the phrase "made no further use of it" as used in the Request is vague and ambiguous. Subject to and without waiving the foregoing objections or the General Objections, SFUSD admits that Mr. Ramirez considered the document

inaccurate and questioned whether Ms. Hecht understood her assignment. SFUSD further admits that, as a result, Mr. Ramirez did not rely on this document when completing the license renewal application for KALW.

12. Attachment C is a true and accurate copy of the SFUSD 1993 Supplemental Report (From KALW Public Inspection File), which appeared as an attachment in a letter dated April 5, 2001, from Mr. Sanchez to Linda Blair, Chief, Audio Services Division, Mass Media Bureau, FCC.

ANSWER: SFUSD admits that Attachment C is a true and accurate copy of the SFUSD 1993 Supplemental Ownership Report that was attached to the letter, dated April 5, 2001, from Mr. Sanchez to Linda Blair, Chief, Audio Services Division, Mass Media Bureau, FCC. SFUSD further admits that this document was present in KALW's public inspection file at the time that Mr. Sanchez drafted the letter to Ms. Blair in 2001. Because Attachment C appears inadvertently to include page two of the 1997 Supplemental Ownership Report in place of page two of the 1993 report, SFUSD does not believe that this report is an "accurate" copy of the SFUSD 1993 Supplemental Ownership Report. SFUSD has reason to believe that two unassociated pages located in its public inspection file (copies of which are attached hereto at Attachment I) constitute the correct pages two and three of the 1993 Supplemental Ownership Report. The two pages at Attachment I accurately and completely reflect the composition of the SFUSD Board in 1993. SFUSD notes that page three of Attachment C replicates the listing of Board Members set forth in pages two and three at Attachment I. This redundant list may represent an internal list used in the preparation of the SFUSD 1993 Supplemental Ownership Report. SFUSD assumes

that errors that occurred in the collation process when the ownership reports were copied may be the cause of the disassociation and remixing of pages among the ownership reports. The three pages that SFUSD believes constitutes the SFUSD 1993 Supplemental Ownership Report are reproduced at Attachment II hereto.

13. On or about the date that Mr. Ramirez transmitted the original of Attachment A to a representative of SFUSD for signature, the KALW public inspection file did not include the original or a copy of Attachment C.

ANSWER: As explained in the answer to Request No. 12, SFUSD believes the SFUSD 1993 Supplemental Ownership Report consists of three pages, as reproduced at Attachment II hereto. SFUSD admits that when Mr. Ramirez forwarded the original of Attachment A to the Requests to a representative of SFUSD for signature in July 1997, the SFUSD 1993 Supplemental Ownership Report—a document signed in December 1997—was not in the KALW public inspection file. SFUSD further responds that KALW's station management created or recreated one or more supplemental ownership reports, including the SFUSD 1993 Supplemental Ownership Report, in or about December 1997 after learning that such reports were required and were not in the station's public inspection file. SFUSD further states that it lacks information sufficient to admit or deny whether any previous version of the 1993 Supplemental Ownership Report was included in the KALW public inspection file at the time that Mr. Ramirez forwarded the station's license renewal application to a representative of SFUSD for signature.

14. On or about the date that Mr. Ramirez transmitted the original of Attachment A to a representative of SFUSD for signature, Mr. Ramirez knew that the KALW public inspection file

did not include the original or a copy of Attachment C.

ANSWER: As explained in the answer to Request No. 12, SFUSD believes the SFUSD 1993 Supplemental Ownership Report consists of three pages, as reproduced at Attachment II hereto. SFUSD objects to this Request to the extent that the word "knew" is vague and ambiguous. Subject to and without waiving the foregoing objections or the General Objections, SFUSD admits that at the time that Mr. Ramirez forwarded Attachment A to the Requests to a representative of SFUSD for signature in July 1997, the SFUSD 1993 Supplemental Ownership Report—a document signed in December 1997—was not in the KALW public inspection file, and Mr. Ramirez would have had no reason to believe that the SFUSD 1993 Supplemental Ownership Report was included in the public inspection file. SFUSD further states that it lacks information sufficient to admit or deny whether any previous version of the SFUSD 1993 Supplemental Ownership Report was included in the KALW public inspection file at that time or whether Mr. Ramirez was aware of any such report.

15. Attachment D is a true and accurate copy of the SFUSD 1995 Supplemental Report (From KALW Public Inspection File), which appeared as an attachment in a letter dated April 5, 2001, from Mr. Sanchez to Linda Blair, Chief, Audio Services Division, Mass Media Bureau, FCC.

ANSWER: SFUSD admits that Attachment D is a true and accurate copy of the SFUSD 1995 Supplemental Ownership Report that was attached to the letter, dated April 5, 2001, from Mr. Sanchez to Linda Blair, Chief, Audio Services Division, Mass Media Bureau, FCC. SFUSD further admits that this document was present in KALW's public inspection file at the time that

Mr. Sanchez drafted the letter to Ms. Blair in 2001. However, SFUSD does not believe that this report is an "accurate" copy of the SFUSD 1995 Supplemental Ownership Report. SFUSD notes that page two of the report at Attachment D refers to Mr. Tom Ammiano as being a Board Member. However, while Mr. Ammiano was a Board Member in 1993, he was not a Board Member in 1995. SFUSD further notes that the SFUSD Board Members in 1993 and 1995 were the same, with the exception of Mr. Ammiano (who served in 1993) and Mr. Keith Jackson (who served in 1995). SFUSD has reason to believe that two unassociated pages located in its public inspection file (copies of which are attached hereto at Attachment III) constitute the correct pages two and three of the SFUSD 1995 Supplemental Ownership Report. SFUSD notes that page four of the report at Attachment D, to the extent it replicates the listing of Board Members set forth in pages two and three at Attachment III, would have been redundant and may represent an internal list used in the preparation of the SFUSD 1995 Supplemental Ownership Report. SFUSD assumes that errors that occurred in the collation process when the ownership reports were copied may be the cause of the disassociation and remixing of pages among the ownership reports. The three pages that SFUSD believes constitutes the SFUSD 1995 Supplemental Ownership Report are set forth at Attachment IV hereto.

16. On or about the date that Mr. Ramirez transmitted the original of Attachment A to a representative of SFUSD for signature, the KALW public inspection file did not include the original or a copy of Attachment D.

ANSWER: As explained in the answer to Request No. 15, SFUSD believes the SFUSD 1995 Supplemental Ownership Report consists of three pages, as reproduced at Attachment IV hereto.

SFUSD admits that when Mr. Ramirez forwarded the original of Attachment A to the Requests to a representative of SFUSD for signature in July 1997, the SFUSD 1995 Supplemental Ownership Report—a document signed in December 1997—was not in the KALW public inspection file. SFUSD further responds that KALW's station management created or recreated one or more supplemental ownership reports, including the SFUSD 1995 Supplemental Ownership Report, in or about December 1997 after learning that such reports were required and were not in the station's public inspection file. SFUSD further states that it lacks information sufficient to admit or deny whether any previous version of the 1995 Supplemental Ownership Report was included in the KALW public inspection file at the time that Mr. Ramirez forwarded the station's license renewal application to a representative of SFUSD for signature.

17. On or about the date that Mr. Ramirez transmitted the original of Attachment A to a representative of SFUSD for signature, Mr. Ramirez knew that the KALW public inspection file did not include the original or a copy of Attachment D.

ANSWER: As explained in the answer to Request No. 15, SFUSD believes the SFUSD 1995 Supplemental Ownership Report consists of three pages, as reproduced at Attachment IV hereto. SFUSD objects to this Request to the extent that the word "knew" is vague and ambiguous. Subject to and without waiving the foregoing objections or the General Objections, SFUSD admits that at the time that Mr. Ramirez forwarded Attachment A to the Requests to a representative of SFUSD for signature in July 1997, the SFUSD 1995 Supplemental Ownership Report—a document signed in December 1997—was not in the KALW public inspection file, and Mr. Ramirez would have had no reason to believe that the SFUSD 1995 Supplemental

Ownership Report was included in the public inspection file. SFUSD further states that it lacks information sufficient to admit or deny whether any previous version of the SFUSD 1995 Supplemental Ownership Report was included in the KALW public inspection file at that time or whether Mr. Ramirez was aware of any such report.

18. On or about the date that Mr. Ramirez transmitted the original of Attachment A to a representative of SFUSD for signature, the KALW public inspection file did not include the original or a copy of all of the quarterly issues/programs lists required by 47 C.F.R. Section 73.3527.

ANSWER: SFUSD objects to this Request to the extent that it calls for a legal conclusion rather than an admission of fact. SFUSD further objects that the phrase "all of the quarterly issues/programs lists required by 47 C.F.R. Section 73.3527" as used in this Request is vague and ambiguous. Subject to and without waiving the foregoing objections or the General Objections, SFUSD denies the Request and states that it believes that documents sufficient to satisfy the issues/programs list requirements of 47 C.F.R. Section 73.3527 were in the public inspection file as of the time that Mr. Ramirez transmitted the license renewal application for KALW to the SFUSD for signature in July 1997, with the possible exception of issues/programs lists covering December 1, 1990 (when the license term began) to December 31, 1990, and for the four quarters of 1991. SFUSD further states that it has been unable to locate issues/programs lists for programming aired from December 1, 1990 to December 31, 1991 — a period of time during which KALW operated from a temporary location after being displaced as a result of the Loma Prieta earthquake in October 1989 — and states that SFUSD lacks sufficient information

to admit or deny whether issues/programs lists for such time period were included in the public inspection file at the time that Mr. Ramirez transmitted the license renewal application for KALW to the SFUSD for signature in July 1997. For the time period from January 1, 1992 until the second quarter of 1997 (the last quarter before the 1997 renewal application was filed), as well as up until the present, SFUSD believes that the NPR issues/programs lists, as supplemented for the time of broadcast by the quarterly KALW Radio Program Schedules, meet the requirements of 47 C.F.R. Section 73.3527. As confirmed by the Commission, Section 73.3527 "draws no distinction between locally produced and nationally syndicated programming." *In The Matter of San Francisco Unified School District For Renewal of License for Station KALW(FM), San Francisco, California, Hearing Designation Order and Notice of Apparent Liability for Forfeiture*, FCC 04-114 at ¶ 12 (rel. July 16, 2004) (the "HDO"). Consequently, licensees may rely solely on nationally syndicated programming to meet their issues/programs lists obligation. The NPR issues/programs lists in the KALW public inspection file set forth in rows the program title, date, duration and brief description of each topic covered by such program. Notably, in the first column of each row, under the caption "Key," the NPR issues/programs lists specify (by abbreviations — ACQU for Acquired Immune Deficiency Syndrome; AGRI for Agriculture; BUSI for Business, *etc.*) which of the issues of interest were addressed by each specific program. Thus, with all due respect to the Commission, *cf. HDO* at ¶ 10, SFUSD believes that the NPR issues/programs lists do in fact specify which program(s) specifically addressed the listed topics. Given the national scope, over several time zones, of NPR programming, the NPR issues/programs lists do not provide the times of broadcast — such times of broadcast by KALW

are set forth in the quarterly KALW Radio Program Schedules also placed in the KALW public inspection file. It is SFUSD's belief that these documents set forth the information required by, and thereby satisfy, Section 73.3527.

19. On or about the date that Mr. Ramirez transmitted the original of Attachment A to a representative of SFUSD for signature, Mr. Ramirez knew that the KALW public inspection file did not include the original or a copy of all of the quarterly issues/programs lists required by 47 C.F.R. Section 73.3527.

ANSWER: SFUSD objects to this Request to the extent that it calls for a legal conclusion rather than an admission of fact. SFUSD further objects that the phrase "all of the quarterly issues/programs lists required by 47 C.F.R. Section 73.3527" as used in this Request is vague and ambiguous. Subject to and without waiving the foregoing objections or the General Objections, SFUSD denies the Request and states that it believes that documents sufficient to satisfy the issues/programs list requirements of 47 C.F.R. Section 73.3527 were in the public inspection file as of the time that Mr. Ramirez transmitted the license renewal application for KALW to the SFUSD for signature in July 1997, with the possible exception of the issues/programs lists covering the first thirteen months of the license term, as explained in the answer to Request No. 18. SFUSD further states that it has been unable to locate issues/programs lists for programming aired from December 1, 1990 to December 31, 1991—a period of time during which KALW operated from a temporary location after being displaced as a result of the Loma Prieta earthquake in October 1989—and states that SFUSD lacks sufficient information to admit or deny whether issues/programs lists for such time period were included in